

**House File 471 - Introduced**

HOUSE FILE 471

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 104)

**A BILL FOR**

1 An Act relating to the payment of reasonable attorney fees  
2 in juvenile court or appellate proceedings relating to a  
3 termination of parental rights petition.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 600A.6B, Code 2013, is amended to read  
2 as follows:

3 **600A.6B Payment of attorney fees.**

4 1. A person filing a petition for termination of parental  
5 rights under this chapter or the person on whose behalf the  
6 petition is filed shall be responsible for the payment of  
7 reasonable attorney fees for services provided by counsel  
8 appointed pursuant to section 600A.6A in juvenile court or in  
9 an appellate proceeding initiated by the person filing the  
10 petition unless the person filing the petition is a private  
11 child-placing agency as defined in section 238.1 or unless the  
12 court determines that the person filing the petition or the  
13 person on whose behalf the petition is filed is indigent.

14 2. If the person filing the petition is a private  
15 child-placing agency as defined in section 238.1 or if the  
16 person filing the petition or the person on whose behalf the  
17 petition is filed is indigent, the appointed attorney shall be  
18 paid reasonable attorney fees for services provided in juvenile  
19 court or an appellate proceeding as determined by the state  
20 public defender.

21 3. If the parent against whom the petition is filed appeals  
22 a termination order under section 600A.9, subsection 1,  
23 paragraph "b", the person who filed the petition or the person  
24 on whose behalf the petition is filed shall not be responsible  
25 for the payment of attorney fees for services provided by  
26 counsel appointed pursuant to section 600A.6A in the appellate  
27 proceeding. Instead, the appointed attorney shall be paid  
28 reasonable attorney fees as determined by the state public  
29 defender from the indigent defense fund established pursuant  
30 to section 815.11.

31 ~~3.~~ 4. The state public defender shall review all the claims  
32 submitted under this section and shall have the same authority  
33 with regard to the payment of these claims as the state public  
34 defender has with regard to claims submitted under chapters 13B  
35 and 815, including the authority to adopt rules concerning the

1 review and payment of claims submitted.

2

EXPLANATION

3 Under current law, in a termination of parental rights  
4 proceeding, the person against whom the petition is filed has  
5 the right to counsel in connection with all subsequent hearings  
6 and proceedings. If that parent desires but is financially  
7 unable to employ counsel, the court will appoint counsel if the  
8 person requests appointment of counsel, the person is indigent,  
9 and the court determines the person will have difficulty  
10 presenting the person's version of the facts in dispute and  
11 has a colorable defense to the termination of parental rights.  
12 Under current law, unless the person filing the petition for  
13 termination of parental rights or the person on whose behalf  
14 the petition is filed is a child-placing agency or is indigent,  
15 such person is responsible for payment of reasonable attorney  
16 fees for appointed counsel.

17 This bill specifies that a person filing a petition for  
18 termination of parental rights or the person on whose behalf  
19 the petition is filed, shall be responsible for the payment  
20 of reasonable attorney fees specifically for the services  
21 provided by appointed counsel in a juvenile court or appellate  
22 proceeding initiated by the person filing the petition, unless  
23 the person filing the petition is a private child placing  
24 agency or is indigent. The bill also specifies that in the  
25 case of a child placing agency or a person who is indigent,  
26 the appointed attorney shall be paid reasonable attorney  
27 fees specifically for services provided in juvenile court or  
28 appellate proceedings. The bill also specifies an exception  
29 to payment of attorney fees for appointed counsel by a person  
30 filing or on whose behalf the petition is filed. The bill  
31 provides that if a termination of parental rights order is  
32 granted, and a parent against whom the petition is filed  
33 appeals, the person who filed the petition or the person on  
34 whose behalf the petition is filed shall not be responsible for  
35 the payment of attorney fees for services provided by appointed

H.F. 471

1 counsel in the appellate proceeding, but instead the appointed  
2 attorney is to be paid reasonable attorney fees as determined  
3 by the state public defender from the indigent defense fund.